
ENGROSSED SUBSTITUTE SENATE BILL 5491

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Niemi and A. Smith)

Read first time 02/19/93.

1 AN ACT Relating to sentencing; creating new sections; and declaring
2 an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A task force on sentencing disparities is
5 created to study the relationship between penalties for misdemeanors,
6 gross misdemeanors, and felonies. The objectives of the task force are
7 to:

8 (1) Compare the penalties for conviction of misdemeanors and gross
9 misdemeanors with the penalties for conviction of felonies with a
10 standard range of zero to twelve months;

11 (2) Determine whether disparities exist between sentencing at the
12 misdemeanor and gross misdemeanor level and the felony level;

13 (3) If sentencing disparities are found, determine whether the
14 disparities reflect differing conduct, differing treatment of criminal
15 history, or other factors; and

16 (4) Recommend whether legislative action is necessary to ensure
17 proportionality between the penalties for misdemeanors, gross
18 misdemeanors, and felonies.

1 NEW SECTION. **Sec. 2.** The task force shall submit a report to the
2 senate law and justice committee, the house of representatives
3 judiciary committee, and the governor with its findings and any
4 recommendations for legislation not later than December 15, 1993.

5 In making its recommendations, the task force shall have the public
6 safety as its primary concern. The task force shall make no
7 recommendations that place fiscal or budgetary concerns over the
8 government's interest in safeguarding the public.

9 NEW SECTION. **Sec. 3.** (1) The task force shall have sixteen
10 members consisting of the following:

11 (a) The speaker of the house of representatives shall appoint two
12 members, one from each political party;

13 (b) The president of the senate shall appoint two members, one from
14 each political party;

15 (c) Two district court judges and two municipal court judges
16 selected by the district and municipal court judges association;

17 (d) Two prosecuting attorneys selected by the Washington
18 association of prosecuting attorneys;

19 (e) Two attorneys with substantial experience representing
20 defendants in municipal, district, and superior court criminal cases,
21 one selected by the Washington association of criminal defense lawyers
22 and one selected by the Washington defender association;

23 (f) Two members who are the chief law enforcement officers of a
24 county or city, selected by the Washington association of sheriffs and
25 police chiefs; and

26 (g) Two superior court judges selected by the superior court
27 judges association.

28 (2) Organizations which select more than one member shall make a
29 reasonable effort to ensure that the members are representative of both
30 large and small jurisdictions.

31 (3) The members of the task force shall select a chair or cochair
32 from among the membership of the task force.

33 (4) The task force shall consult with any other interested parties
34 necessary to achieve the objectives of the task force.

35 (5) Staff for the task force shall be provided by the law and
36 justice committee of the senate and the judiciary committee of the
37 house of representatives.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

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